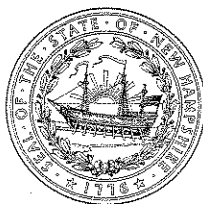


**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE  
ATTORNEY GENERAL



MICHAEL A. DELANEY  
DEPUTY ATTORNEY GENERAL

June 17, 2005

Section 5 Submission

Chief, Voting Section  
Civil Rights Division  
Room 7254 – NWB  
Department of Justice  
950 Pennsylvania Ave., NW  
Washington, DC 20006

Re: Submission Under Section 5 of the Voting Rights Act for:

New Hampshire Revised Statute Annotated ("RSA") 652:13, a STATUTE related to the definition of "federal election," most recently amended by Laws of 1986 Chapter 126 and previously amended by the chapters cited below.

Dear Voting Section Chief:

Pursuant to 42 U.S.C. § 1973 (c), the State of New Hampshire, through the Office of the New Hampshire Attorney General, hereby submits RSA 652:13, a STATUTE related to the definition of "federal election," most recently amended by Laws of 1986 Chapter 126 and previously amended by the chapters cited below.

SUBMISSION:

In accordance with 28 C.F.R. § 51.27, the submission is as follows:

- a) Chapter 126 (1986) amending RSA 652:13 is attached. (Exhibit 652:13 A)
  - 1. Chapter 176 (1983) amending RSA 652:13 is attached (Exhibit 652:13 B)
- b) Chapter 436 (1979) recodifying RSA 55-A:01 as RSA 652:13 is attached (Exhibit 652:13 C)

- c) The changes made by amendments to RSA 652:13 are as follows:
1. Chapter 126 (1986) amends this section by removing the term “...*presidential elector*...”
  2. Chapter 176 (1983) removes the phrase “...*but shall not include any presidential primary election*” and inserts the sentence “*For federal overseas voters who are eligible to vote in federal elections as provided in RSA 657:2, “federal election” shall also include any presidential primary election.*”
  3. Chapter 436 (1979) recodifies RSA 55-A:01 as RSA 652:13
- d) This submission is made by: Senior Assistant Attorney General Orville B. Fitch II, 33 Capitol Street, Concord, New Hampshire 03301, Phone: (603) 271-1238.
- e) The submitting authority is New Hampshire Attorney General, Kelly A. Ayotte for the State of New Hampshire.
- f) Not applicable.
- g) The changes for which pre-clearance is sought were made by a decision of the New Hampshire General Court (Legislature).
- h) In accordance with Amendment X of the U.S. Constitution, the New Hampshire General Court, the State’s legislature, acting pursuant to the New Hampshire Constitution Part Second, Article 2, granting supreme legislative power within the state to the House and Senate, who with right to negate each other are granted power to make law through Part Second, Article 5. Additional authority regarding election law is vested in Part First, Article 11.


The legislature through a bicameral process passed law to create Chapter 126 (Exhibit 652:13 A). The bill was signed into law (by the Governor) on May 20, 1986, pursuant to New Hampshire Constitution Part Second, Article 44.

- i) Adoption dates:
1. Chapter 126 (1986) adopted May 20, 1986
  2. Chapter 176 (1983) adopted June 10, 1983
  3. Chapter 436 (1979) adopted June 25, 1979

- j) Effective dates:
  - 1. Chapter 126 (1986) effective July 19, 1986
  - 2. Chapter 176 (1983) effective August 9, 1983
  - 3. Chapter 436 (1979) effective July 1, 1979
- k) The changes have been enforced.
- l) The changes affect the entire State of New Hampshire.
- m) The purpose for the changes are as follows:
  - 1. The purpose of the Chapter 126 (1986) change is to remove any elections for presidential electors from the definition of what constitutes a federal election.
  - 2. The purpose of the Chapter 176 (1983) change is to make explicit the right of overseas voters, who qualify under RSA 657:2, to vote in any presidential primary elections.
  - 3. The purpose of the Chapter 436 (1979) was to recodify RSA 55-A:01 as RSA 652:13
- n) These changes do not negatively target any protected class under section 5 of the Voting Rights Act of 1965. *42 U.S.C. 1973c*. They are expected to have neutral impact and do not meet the test of retrogression defined in *Reno v. Bossier Parish Sch. Bd*, 520 U.S. 471, 478 (1997). “(T)he ability of minority groups...to elect their choices to office” will not be diminished. *Beer v. U.S.*, 425 U.S. 130,141 (1976).
- o) None known.
- p) RSA 652:13 was precleared through 1979 on June 22, 2004 by D.O.J. file numbers 2004-2563, 2004-2581 and 2004-2582. A copy of this preclearance is attached as Exhibit 652:13 D. This submission seeks preclearance of all subsequent changes.
- q) Not applicable as this is not a redistricting plan.
- r) Exhibit 652:13 E is a copy of a Press Release of this submission, its availability, and inviting comment to federal Department of Justice.

I expect the foregoing information is sufficient to enable the United States Attorney General to make the required determination pursuant to Section 5 of the Voting Rights Act. If further information is required or would be helpful, please contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Orville B. Fitch II", written over the closing "yours,".

Orville B. Fitch II  
Senior Assistant Attorney General  
Civil Bureau  
(603) 271-1238  
[bud.fitch@doj.nh.gov](mailto:bud.fitch@doj.nh.gov)

81636.doc

**124:2 Effective Date.** This act shall take effect 60 days

[Approved May 20, 1986.]

[Effective Date July 19, 1986.]

### CHAPTER 125 (HB 405)

AN ACT TO PROVIDE FOR THE COMPREHENSIVE STUDY OF THE SAU STRUCTURE  
WITHIN THE STATE OF NEW HAMPSHIRE AND DECLARING A  
MORATORIUM ON CHANGES IN THE SAU STRUCTURE.

*Be it Enacted by the Senate and House of Representatives in General Court  
convened:*

#### **125:1 Study Committee.**

I. There is hereby established a committee to be composed of the following 6 persons:

(a) 3 members of the senate to be appointed by the president of the senate;  
and

(b) 3 members of the house of representatives to be appointed by the speaker of the house.

II. The members shall choose a chairman from among the committee. The members of the committee shall serve without compensation, except that the legislative members shall be entitled to mileage at the legislative rate.

III. The committee shall set the criteria for studying the effectiveness and validity of the SAU structure in New Hampshire. Upon establishing the criteria, the committee, with the assistance of the legislative budget assistant, shall hire an independent consultant to review, study, and report on the effectiveness and validity of the SAU structure in New Hampshire. The consultant shall submit a report by December 1, 1986, to the committee established in paragraph I, to the president of the senate, to the speaker of the house of representatives, and to the governor.

**125:2 Funding the Study.** The cost of this study shall not exceed \$25,000 and shall be paid from funds appropriated to the legislative budget assistant, post audit division by 1985, 406.01, 01, 02, 03, 02, consultant fees, class 90, as of the effective date of this act.

**125:3 Moratorium.** The general court hereby declares a moratorium on further changes in the SAU structure pending completion of the study provided for by this act or until July 1, 1987.

**125:4 Effective Date.** This act shall take effect upon its passage.

[Approved May 20, 1986.]

[Effective Date May 20, 1986.]

### CHAPTER 126 (HB 464)

AN ACT RELATIVE TO OVERSEAS VOTERS, ARMED SERVICES VOTERS,  
GENERAL ELECTION BALLOTS, AND ELIMINATING  
REFERENCES TO ELECTORS ON THE BALLOT.

*Be it Enacted by the Senate and House of Representatives in General Court  
convened:*

**126:1 Eliminating Reference to Presidential Electors.** Amend RSA 652:13 (supp) as inserted by 1979, 436:1 as amended by striking out said section and inserting in place thereof the following:

**652:13 Federal Election.** "Federal election" shall mean any state general, special, or primary election held solely or in part for the purpose of choosing or nominating any candidates for the offices of president, vice-president, United States senator, or United States representative. For federal overseas voters who are eligible to vote in federal elections as provided in RSA 657:2, "federal election" shall also include any presidential primary election.

**126:2 Reference to Electors Removed.** Amend RSA 656:4 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

**656:4 Name and Domicile.** Every state general election ballot shall contain the name and domicile of each candidate who has been nominated in accordance with the election laws, except as hereinafter provided, and shall contain no other name except party appellations. The names and addresses of the presidential electors shall not be printed on the ballot; but, in lieu thereof, the names of a party's candidates for president and vice-president shall be printed thereon under the designation for "President and Vice-President of the United States". If a nomination has been made by nomination papers, the words "Nom. Papers" shall be added to the name of the political party.

**126:3 Instruction to Voters.** Amend RSA 656:6 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

**656:6 Designation of Office.** Immediately above the offices column shall be printed the instructions to voters as provided in RSA 659:18. The offices column shall be immediately to the left of the set of party columns. The offices column shall list the offices, each preceded by the word "For", for which the candidates whose names are listed in the party columns have been nominated, as in "For Governor". Below each such phrase shall be printed in small but easily legible letters "Vote for any (here insert a number designating how many persons are to be voted for)".

**126:4 Reference to Electors Removed.** Amend RSA 656:7 (supp) as inserted by 1979, 436:1 as amended by striking out said section and inserting in place thereof the following:

**656:7 Order of Offices.** The order in which the officers to be voted for shall be placed in the party columns shall be as follows: president and vice-president of the United States, governor, United States senator, representative in congress, executive councilor, state senator, representative to the general court and county officers.

**126:5 Eliminating Reference to Electors.** Amend RSA 656:8 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

**656:8 Squares.** Directly at the right of the name of each candidate there shall be a square; except that, in the case of president and vice-president of the United States, one square shall suffice which shall be placed opposite the designation "President and Vice-President of the United States".

**126:6 Instructions; Circle.** Amend RSA 656:10 (supp) as inserted by 1979, 436:1 as amended by striking out said section and inserting in place thereof the following:

**656:10 Circle.** Above the party designation shall be printed a circle not less than 3/4 of an inch in diameter, and surrounding such circle shall be the following words printed in plain letters: "straight ticket for all candidates of this party make a cross (X) within this circle."

**126:7 Special Write-In Ballots.** Amend RSA 657 by inserting after section 10 the following new section:

**657:10-a Special Overseas and Armed Services Election Write-In Ballot.**

Notwithstanding any other provision of the election laws, a qualified absentee voter may apply to a city or town clerk for a special write-in absentee ballot. These ballots shall be mailed by the town or city clerk no later than the date of the primary to overseas citizens and armed services personnel who state they are unable to vote by regular absentee ballot or in person due to requirements of military service or due to living in isolated areas outside the United States and Canada. The ballot shall be prepared by the secretary of state and shall be, as nearly as practicable, the same as the official overseas citizens federal election ballot except that there shall be no candidates' names printed on it.

**126:8 Address of Absentee Voters.** Amend RSA 657:15 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

**657:15 Sending Absentee Ballots.** When the verification required by RSA 657:12 or 13 has been made, the clerk shall retain the application and, without delay, personally deliver or mail to the applicant the appropriate ballot and materials as described in RSA 657:7 through 657:9 or designate an assistant to deliver such materials to the applicant. The clerk may not designate as an assistant any person who is a candidate for nomination or office or who is working for such a candidate. Any ballots sent pursuant to the provisions of this section shall be mailed or delivered only by officials from the city or town clerk's office and delivered only to the applicant. If the address to which the absent voter's ballot is sent is outside the United States or Canada, such papers shall be sent by air mail. Said clerks shall keep lists of the names and addresses, arranged by voting places, of all applicants to whom official absent voting ballots have been sent. Copies of said lists shall be open to inspection and shall be posted at the polling places on the day of election as provided in RSA 658:27.

**126:9 Ballots Mailed to Armed Services Voters.** Amend RSA 657:19 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

**657:19 Sending Ballots.** Upon receipt of a properly executed application for an official armed services absentee ballot, whether the form supplied by the secretary of state, the federal government or a written statement containing the information required by RSA 657:4, or the federal application form, a town or city clerk shall send the materials provided for in RSA 657:9 regardless of whether the applicant appears on the checklist. Whenever an armed services voter requests a state general election absentee ballot prior to October 1 to be mailed to an address outside of the United States or Canada, he shall be sent the same ballot as provided in RSA 656:34.

**126:10 Instructions for Voters.** Amend RSA 659:18 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

**659:18 Instructions for Voters; How to Mark the Ballot.**

I. In a state general election, the following instructions to voters for straight ticket voting shall be printed on the ballot: Make a cross (X) within the circle of the political party of your choice if you wish to vote for all candidates running in

that party column. If you vote a straight ticket, but wish to vote for one or more individual candidates of a different party, you may do so, and your vote for an individual candidate will override the straight party vote for that office. However, if you vote for one candidate of a different party for an office where more than one candidate is to be elected, be sure to vote individually for all candidates of your choice for that office, because your straight ticket vote will not be counted for that office.

II. In a state general election, the following instructions to voters for split ticket voting shall be printed on the ballot: If you do not wish to vote in any party circle, make crosses (X) in the squares opposite the names of the candidates for whom you wish to vote.

III. In a state general election, the following instructions to voters for write-in voting shall be printed on the ballot: If you wish to vote for candidates whose names are not printed on the ballot, write in the names on the appropriate lines in the blank column at the right.

**126:11 Effective Date.** This act shall take effect 60 days after its passage.

[Approved May 20, 1986.]

[Effective Date July 19, 1986.]

#### CHAPTER 127 (SB 52)

AN ACT PROHIBITING OPERATORS OF MOTOR VEHICLES FROM CUTTING ACROSS PRIVATE OR PUBLIC LAND AT TRAFFIC CONTROL SIGNALS OR SIGNS TO AVOID TRAFFIC SIGNALS OR SIGNS AND AMENDING THE PENALTIES FOR OVERTAKING AND PASSING A SCHOOL BUS.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

**127:1 Crossing Public or Private Land Prohibited.** Amend RSA 265 by inserting after section 11 the following new section:

**265:11-a Prohibiting Avoidance of Traffic Signals.** At any traffic control signal or sign, it shall be unlawful for the driver of a motor vehicle to cut across public or private property at or near the intersection which is not a roadway to avoid the traffic control signal or sign. Any person who violates the provisions of this section shall be guilty of a violation.

**127:2 Overtaking and Passing School Bus.** Amend RSA 265:54, I-b (supp) as inserted by 1983, 355:1 by striking out said paragraph and inserting in place thereof the following:

I-b. A person who violates the provisions of paragraph I shall be guilty of a violation and shall be fined not less than \$100 nor more than \$250 for a first offense, and shall be fined not less than \$200 nor more than \$500 for a subsequent offense within a 12-month period.

**127:3 Effective Date.** This act shall take effect January 1, 1987.

[Approved May 20, 1986.]

[Effective Date January 1, 1987.]



**660:5 Conduct of Recount.** If directed by the secretary of state, the police shall collect all ballots requested from the town or city in the custody of them and shall deliver them to the public facility designated by the secretary of state. At the time and place so appointed, the ballots cast for such office shall be counted by the secretary of state and such assistants as he may require. The candidates, their counsel and assistants shall have the right to inspect the ballots and participate in the recount under such suitable rules as the secretary of state may adopt. Each candidate or his counsel shall have the right to protest the counting of or failure to count any ballot. The secretary of state shall thereupon rule on said ballot and shall attach thereto a memorandum stating such ruling and the name of the candidate making the protest. If, at any time during the counting of the ballots, a discrepancy appears in any ballot for any reason, the secretary of state shall suspend the recount until the discrepancy is resolved, at which time he shall continue the recount. In no event shall a discrepancy result in a second recount for the same candidate, as provided in RSA 660:3.

**175:6 Petitions Not Required.** Amend RSA 660:7 (supp) as inserted by 1979, 436:1 as amended by striking out said section and inserting in place thereof the following:

**660:7 Application.** Any person for whom a vote was cast for any nomination of any party at a state or presidential primary may apply for a recount. The application shall be made in writing to the secretary of state and shall be submitted not later than 3 days after the publication of the result of the primary for a recount of all ballots cast for such nomination. Each candidate requesting a recount shall pay the secretary of state fees as provided in RSA 660:2. If the difference between the vote cast for the applying candidate and another candidate who was declared nominated or who qualified for at least one delegate under RSA 659:93 or who qualified for federal election funding shall be greater than one percent of the total vote cast for that office, the applying candidate shall agree in writing with the secretary of state to pay the full expense of the recount. In such case, the applying candidate shall deposit with the secretary of state an amount of money reasonably estimated to cover such expenses.

**175:7 Effective Date.** This act shall take effect 60 days after its passage.

[Approved June 10, 1983.]

[Effective Date August 9, 1983.]

## CHAPTER 176 (HB 558)

### AN ACT RELATIVE TO OVERSEAS VOTERS.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

**176:1 Change in Definition of Election.** Amend RSA 652:13 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

**652:13 Federal Election.** "Federal election" shall mean any state general, special, or primary election held solely or in part for the purpose of choosing or nominating any candidates for the offices of president, vice-president, presi-

dential elector, United States senator, or United States representative. For federal overseas voters who are eligible to vote in federal elections as provided in RSA 657:2, "federal election" shall also include any presidential primary election.

**176:2 Cutoff for Accepting Federal Overseas Absentee Ballots.** Amend RSA 657:22 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

**657:22 Cutoff.** In any state election, a town or city clerk shall not accept any completed armed services or federal overseas citizens absentee ballots delivered to him by any means after 5:00 p.m. on election day. All other absentee ballots shall not be accepted after 5:00 p.m. on the day immediately prior to election day. Ballots received after such times shall be retained by the clerk unopened until the time set for the destruction of other state election ballots as provided in RSA 659:100 at which time the envelopes shall likewise be destroyed, unopened and unexamined.

**176:3 Effective Date.** This act shall take effect 60 days after its passage.

[Approved June 10, 1983.]

[Effective Date August 9, 1983.]

#### CHAPTER 177 (HB 671)

AN ACT INCREASING THE TIME WITHIN WHICH A WRONGFUL DEATH ACTION MAY BE BROUGHT BY AN ADMINISTRATOR.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

**177:1 Actions by an Administrator.** Amend RSA 556:11 by striking out said section and inserting in place thereof the following:

**556:11 New Action.** If an action is not then pending, one may be brought for such cause at any time within 6 years after the death of the deceased party, subject to the provisions of RSA 508.

**177:2 Effective Date.** This act shall take effect 60 days after its passage.

[Approved June 10, 1983.]

[Effective Date August, 9, 1983.]

#### CHAPTER 178 (HB 672)

AN ACT RELATIVE TO ACTIONS ALLOWED AGAINST INSOLVENT ESTATES.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

**178:1 Actions Covered by Insurance.** Amend RSA 556:8 by striking out said section and inserting in place thereof the following:

**556:8 Effect of Insolvency.** No action shall be begun against an administrator after the estate is decreed to be administered as insolvent, unless the deceased was insured for the matter which is the subject of the action, and, in

**652:7 Town Election.** "Town election" shall mean an election to choose a town officer.

**652:8 City Election.** "City election" shall mean an election to choose a city officer.

**652:9 School District Election.** "School district election" shall mean an election to choose a school district officer.

**652:10 Village District Election.** "Village district election" shall mean an election to choose a village district officer.

**652:11 Party.** "Party" shall mean any political organization which at the preceding state general election received at least 3 percent of the total number of votes cast for the office of governor.

**652:12 Vacancy.** A "vacancy" shall occur in a public office if, subsequent to his election and prior to the completion of his term, the person elected to that office:

- I. Either dies, resigns or ceases to have domicile in the state or the district from which he was elected; or
- II. Is determined by a court having jurisdiction to be insane or mentally incompetent; or
- III. Is convicted of a crime which disqualifies him from holding office; or
- IV. Refuses to take the oath of office or to give or renew an official bond if required by law; or
- V. Has his election voided by court decision or ballot law commission decision.

**652:13 Federal Election.** "Federal election" shall mean any state general, special, or primary election held solely or in part for the purpose of choosing or nominating any candidates for the offices of president, vice-president, presidential elector, United States senator, or United States representative but shall not include any presidential primary election.

**652:14 Election Officer.** "Election officer" shall mean any moderator, town clerk, selectman, supervisor of the checklist or inspector of election.

**652:15 Supervisors of the Checklist.** The term "supervisors of the checklist" shall include any board of registrars or similar body performing the functions of registering voters and correcting the checklist in cities.

**652:16 Town.** The term "town" shall include wards in cities.

#### Time Computation

**652:17 Uniform System.** For the purposes of the election laws, a uniform system of computation of time shall be maintained.

**652:18 Days Excluded.** When a period or limit of time is to be reckoned from a day or date, that day or date and the day on which an act should occur shall be excluded from the computation of the period or limit of time.

**652:19 Days Included.** Whenever the election law refers to a period or limit of time, Saturdays, Sundays, and holidays shall be included, except as provided in RSA 652:18. However, when the last day for performing any act under the election laws is a Saturday, Sunday or official state holiday, the act required shall be deemed to be duly performed if it is performed on the following business day.

**652:20 End of Day.** Whenever the election laws require a filing with or an

action by an official, such filing or action shall be performed before 5 o'clock in the afternoon of the stipulated day.

#### Political Calendar

**652:21 Authority; Format.** Prior to the state primary election, the secretary of state with the advice and approval of the attorney general shall prepare a political calendar for state and town elections setting forth the dates when action required under the election laws must be taken. Any action taken by any candidate or official in connection with the election laws which shall be taken in accordance with the dates set forth in said calendar shall be deemed to be duly performed for the purposes of the election laws. The expense of printing said political calendar shall be a charge upon the appropriation for the office of the secretary of state.

#### Election Manual

**652:22 Authority; Format; Distribution.** The secretary of state, with the advice and approval of the attorney general, shall prepare or cause to be prepared by June first preceding each state general election an up-to-date manual on the New Hampshire election laws and procedures for conducting elections. The manual shall be written in non-technical language. The manual shall be distributed free of charge to each moderator, board of selectmen, city council, board of supervisors of the checklist and to each town, city and ward clerk. The secretary of state may distribute said manual to any other person who requests it.

#### CHAPTER 653

##### ELECTION OF OFFICERS AND DELEGATES

##### State and County Officers to be Elected

**653:1 Elected for 2-Year Term.** At every state general election, the following officers shall be elected for 2-year terms except as otherwise provided:

- I. The governor by the voters of the state;
- II. One executive councilor by the voters in each executive councilor district;
- III. One state senator by the voters in each senatorial district;
- IV. The number of state representatives to which a district is entitled by the voters in such state representative district;
- V. One sheriff, one county attorney, one county treasurer, one register of deeds, and one register of probate by the voters in each county;
- VI. County commissioners as follows:

- (a) Coos, Carroll, Grafton, Merrimack, Hillsborough, and Rockingham counties - one county commissioner by those voters in each county commissioner district in each county;
- (b) Belknap and Sullivan counties - one county commissioner from each county commissioner district by all the voters of each county;
- (c) Strafford County - 3 county commissioners by all the voters of the county;
- (d) Cheshire County - one county commissioner by the county commissioner district; provided that, at the 1980 state election, no commissioner from district 1 shall be elected, the commissioner from district 2 shall be elected to a 4-year term and the commissioner from district 3 shall be elected to a 2-year term. At each subsequent state general election, commissioners shall be chosen in the county by the inhabitants in which a commissioner's term is expiring; and, of the com-

EXHIBIT

652:13 C

PENGAD 800-631-6880



U.S. Department of Justice

Civil Rights Division

EXHIBIT

652:13 D

PENGAO 800-631-6989

JDR:RPL:SMC:jdh  
DJ 166-012-3  
2004-2563  
2004-2581  
2004-2582

*Voting Section - NWB.  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530*

June 22, 2004

Orville B. Fitch II, Esq.  
Assistant Attorney General  
Civil Bureau  
Department of Justice  
33 Capitol Street  
Concord, New Hampshire 03301-6397

Dear Mr. Fitch:

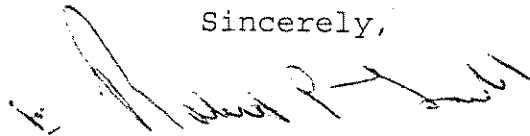
This refers to Session Law Chapter 436 (HB 575) (1979), which recodifies the election laws of the State of New Hampshire; Session Law Chapter 266 (HB 577) (2003), which implements the Help America Vote Act of 2002 (HAVA), 42 U.S.C. 15301-15545; and the adoption of formal administrative procedures for the resolution of election law complaints, including complaints filed under Title III of HAVA, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submissions on June 7, 2004.

The Attorney General does not interpose any objection to the specified changes. Regarding Session Law Chapter 266, we note that the act specifically amends the following provisions of the State's election laws: RSA 655:19, II (Chapter 387 (1991)) (to provide for the deposit of certain candidate filing fees collected by the secretary of state into the election fund); RSA 655:19-c (Chapter 387 (1991)) (to provide for the deposit of any administrative assessments paid to the secretary of state into the election fund); RSA 664:3, I (Chapter 351 (1997)) (to provide for the deposit of political committee registration fees paid to the secretary of state into the election fund); RSA 664:21, II (Chapter 351 (1997)) (to provide for the deposit of any administrative fines for violations of the State's campaign finance laws into the election fund); and RSA 665:7 (Chapter 436 (1979)) (to authorize the Ballot Law Commission to hear and resolve complaints alleging violations of Title III of HAVA, as specified).

We note also that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. In addition, as authorized by Section 5, we reserve the right to reexamine this submission if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. See Procedures for the Administration of Section 5 of the Voting Rights Act (28 C.F.R. 51.41 and 51.43).

Session Law Chapter 266 includes provisions that are enabling in nature. Therefore, the State is not relieved of its responsibility to seek Section 5 preclearance of any changes affecting voting proposed to be implemented pursuant to this legislation (e.g., creation of a centralized statewide voter registration database by the secretary of state and guidelines issued by the secretary of state implementing the database). See 28 C.F.R. 51.15.

Sincerely,

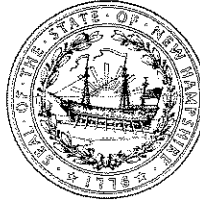
A handwritten signature in dark ink, appearing to read "Joseph D. Rich", is written over the typed name.

Joseph D. Rich  
Chief, Voting Section

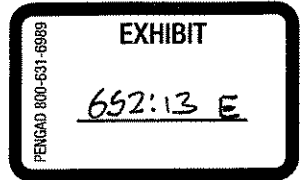
**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE  
ATTORNEY GENERAL



MICHAEL A. DELANEY  
DEPUTY ATTORNEY GENERAL



News Release

RELEASED BY: Attorney General Kelly A. Ayotte

SUBJECT: Voting Rights Act – Submission of a request for preclearance of changes to New Hampshire Voting laws and procedures

DATE: June 10, 2005

RELEASE TIME: Immediate

Attorney General Kelly A. Ayotte announces the submission of requests for preclearance of changes made to the election laws in New Hampshire to the Federal Department of Justice. Preclearance submissions will address changes made to New Hampshire's election laws since jurisdictions in the State became subject to preclearance.

Ten New Hampshire towns are subject to section 5 of the federal Voting Rights Act. Changes to New Hampshire election laws that affect any of these ten towns must be submitted for review by either the Federal Department of Justice or the Federal District Court for Washington D.C. The federal Department of Justice will review the changes to New Hampshire's election laws to ensure that the changes do not have the effect of denying or abridging the right to vote on account of race or color, or membership in a language minority group. Changes to New Hampshire redistricting statutes have been submitted to, and approved by, the U.S. Justice Department since the 1980 census. Federal regulations require that the public be notified that the State has filed a request for preclearance and that the submission be available for public inspection.

Copies of each submission by the Attorney General for the State of New Hampshire are available at the office of the Attorney General at 33 Capitol Street, Concord New Hampshire, 03301. Each document will also be made available at the Attorney General's Office web site at:

<http://www.doj.nh.gov/elections/>

Attorney General Ayotte and the federal Department of Justice invite persons interested in this submission to submit comments and information, in writing or by telephone, to the Voting Section of the Federal Department of Justice, Civil Rights Division, at the earliest possible date to ensure that they may be considered during the preclearance review time period. Telephone 1-800-253-3931 or (202) 307-2385 or write Chief, Voting Section, Civil Rights Division, Room 7354 – NWB, Department of Justice, 950 Pennsylvania Ave., NW, Washington, DC 20530. The envelope and first page should be marked "Comment under section 5." Additional information on the Voting Rights Act and the preclearance process can be obtained at the web site of the Federal Department of Justice at:

<http://www.usdoj.gov/crt/voting/index.htm>

The New Hampshire Attorney General's Office Voting section can be contacted at:

<http://www.doj.nh.gov/elections/>  
New Hampshire Toll Free 1-866-8868-3703  
or 1-866-VOTER03  
[electionlaw@doj.nh.gov](mailto:electionlaw@doj.nh.gov)